

Assembly Bill No. 1390

CHAPTER 763

An act to amend Section 44260 of, and to add and repeal Section 43023.5 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor October 11, 2001. Filed
with Secretary of State October 12, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, Firebaugh. Air pollution.

(1) Existing law grants primary authority for the control of air pollution from vehicular sources to the State Air Resources Board. Existing law also authorizes the state board to adopt and implement motor vehicle emission standards and motor vehicle specifications. Existing law also provides for the existence of various clean air programs, including the Carl Moyer Air Quality Standards Attainment Program.

This bill, notwithstanding a specified provision of the Budget Act of 2001, would require any air quality management district or air pollution control district with a population of one million residents or greater, in consultation with the state board, to expend not less than 50% of the moneys appropriated until January 1, 2007, for the Carl Moyer program, programs to fund the purchase of reduced emission schoolbuses, and diesel mitigation programs, in a manner that directly reduces air contaminants or the public health risks associated with air contaminants, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including communities of minority populations or low-income populations, or both. The bill would make those provisions inapplicable to those districts with fewer than one million residents, but would, notwithstanding a specified provision in the Budget Act of 2001, encourage those districts to apply similar funding approaches to the extent each district determines feasible. By imposing additional duties on districts, this bill would impose a state-mandated local program.

(2) Existing law requires the state board, in conjunction with the State Energy Resources Conservation and Development Commission, to develop and administer a program to provide grants to individuals, local governments, state agencies, nonprofit organizations, and private businesses, to encourage the purchase or lease of a new zero-emission vehicle.

This bill would expand those potential grant recipients to include public agencies, and would permit the state board to reserve, allocate, and reallocate funds to any of those grant recipients. The bill would require the state board to periodically review grant applications and the award of grants to ensure utilization of grant funds, and would authorize the state board to reduce or eliminate grants if that recipient received a grant for the purchase or lease of a zero-emission vehicle in the Budget Act of 2001.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) Air pollution is a serious and persistent problem for the health and welfare of the citizens of the state, and it poses a threat to our natural environment.

(2) Certain areas of the state suffer from greater exposure to poor air quality, particularly pollutants emitted by motor vehicles.

(b) It is the intent of the Legislature to do all of the following:

(1) Focus existing state air quality programs more directly on those geographic areas that suffer from the greatest exposure to poor air quality.

(2) Structure future state air quality programs in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

(3) Include, in any future appropriations intended to provide incentives for the purchase of zero emission vehicles by a member of the public or by a public agency, a concurrent appropriation for air quality emission reduction programs that are designed to benefit communities with significant air quality problems.

SEC. 2. Section 43023.5 is added to the Health and Safety Code, to read:



43023.5. (a) Notwithstanding the requirements established by Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, only districts with a population of one million residents or greater, in consultation with the state board, shall ensure that not less than 50 percent of the funds subject to that provision and any other funds appropriated for purposes of the programs specified in paragraphs (1) to (3), inclusive, are expended in a manner that directly reduces air contaminants or reduces the public health risks associated with air contaminants in those districts, including, but not limited to, airborne toxics and particulate matter, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including, but not limited to, communities of minority populations or low-income populations, or both:

(1) The Carl Moyer Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code).

(2) Programs for the purchase of reduced-emissions schoolbuses.

(3) Diesel mitigation programs.

(b) Notwithstanding the requirements established by Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, a district with less than one million residents is encouraged to expend funds available to the district for the purposes specified in subdivision (a) in a manner similar to that set forth in subdivision (a), to the extent that district determines that this is feasible.

(c) This section shall remain in effect until January 1, 2007, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends that date.

SEC. 3. Section 44260 of the Health and Safety Code is amended to read:

44260. The state board, in conjunction with the State Energy Resources Conservation and Development Commission, shall develop and administer a program to provide grants to individuals, local governments, public agencies, nonprofit organizations, and private businesses, to encourage the purchase or lease of a new zero-emission vehicle. The state board may reserve, allocate, and reallocate funds to any of those potential grant recipients. The state board shall periodically



review grant applications and the award of grants to ensure, to the greatest extent possible, that all grant funds are used. The state board may reduce or eliminate grants awarded pursuant to this chapter if the state board determines that the recipient received a grant for the purchase or lease of a zero-emission vehicle in the Budget Act of 2001.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

